

IN THE U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN DAUGHERTY,

Plaintiff,

vs.

LOWE'S HOME CENTERS, LLC, *et al.*,

Defendants.

CASE NO. 1:22-CV-00736

**DEFENDANT LOWE'S HOME
CENTERS, LLC'S NOTICE OF
REMOVAL**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

1. Defendant Lowe's Home Centers, LLC ("Lowe's") is a Defendant in a civil action brought against it in the Court of Common Pleas for Hamilton County, Ohio, styled *John Daugherty v. Lowe's Home Centers, LLC, et al.*, Case No. A2204042. Copies of all process and pleadings in that action are attached hereto as Exhibit A, pursuant to 28 U.S.C. §1446(A).
2. Said action was commenced by service of the Complaint on Lowe's on November 16, 2022.
3. Plaintiff is a resident of the State of Ohio.
4. Lowe's is a foreign single member-managed limited liability company organized, registered and existing under the laws of the State of North Carolina with its principal place of business in North Carolina. Lowe's single member is Lowe's Companies, Inc., a foreign publicly traded corporation organized, registered and existing under the laws of the State of North Carolina with its principal place of business in North Carolina.
5. The within lawsuit is a controversy between citizens of different states, as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. §1332.

6. Plaintiff demands judgment against Lowe's in an amount in excess of \$25,000.00. According to the Complaint, Plaintiff alleges he "suffered severe injuries" that required "extensive medical treatment," and continues to suffer from the effects of his injuries. In addition, Lowe's believes Plaintiff will allege he sustained a brain injury, nerve damage to the inner ear, vision problems, and left hand nerve injuries. Finally, Plaintiff's Complaint requests punitive damages in this matter. As such, it is Lowe's good faith belief that the amount in controversy exceeds the jurisdictional amount of \$75,000.00, exclusive of interest and costs, if all of Lowe's defenses fail and if Plaintiff proves all of his claimed damages as alleged in the Complaint.

7. This is a civil action brought in a state court in which the United States District Court has original jurisdiction because of diversity of citizenship, and Lowe's is not a citizen of the State of Ohio, in which this action was brought.

8. Written notice of removal of this action has been given simultaneously herewith to Plaintiffs' counsel and the Clerk of Courts for Hamilton County, Ohio.

WHEREFORE, Defendant Lowe's Home Centers, LLC hereby removes this action from the Court of Common Pleas for Ross County, Ohio, to this Court, pursuant to 28 U.S.C. §1441.

Respectfully submitted,

/s/ Nicholas P. Resetar

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**ATTORNEYS FOR DEFENDANT
LOWE'S HOME CENTERS, LLC**

PROOF OF SERVICE

A copy of the foregoing was served on this 12th day of December, 2022 electronically by way of the Clerk's electronic filing system.

/s/ Nicholas P. Resetar

Nicholas P. Resetar

Tyler M. Jolley